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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

STEFAN W. KIRKEBY,

Defendant.

CASE NO. 1:22-CR-00228-JLT-SKO

STIPULATION TO CONTINUE MOTION FOR
RECONSIDERATION AND SENTENCING
HEARING; ORDER

DATE: January 12, 2026
TIME: 9:00 a.m.
COURT: Hon. Jennifer L. Thurston

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for hearing of defendant's motion for reconsideration and sentencing were set on January 12, 2026.
2. The November 17, 2025 sentencing date was continued to January 12, 2026 as the defendant was unavailable due to his incarceration in Marin County. His release date was scheduled for January 7, 2026.
3. By this stipulation, defendant and government now move to continue the motion hearing until February 23, 2026.
4. The parties agree and stipulate, and request that the Court find the following:
 - a) Counsel for defendant Kirkeby has advised the government that he is scheduled to

1 begin a homicide trial, *People v. Shahan*, case number F23904463, in Fresno County Superior
2 Court on January 8, 2026. Defendant Shahan is in custody. The jury trial is expected to take two
3 weeks.

4 b) Counsel for defendant Kirkeby has advised the government that the trial was
5 originally set on a date that did not conflict with the sentencing in this matter however the trial
6 date was moved at the last minute.

7 c) The defendant filed a motion to withdraw his guilty plea. The motion was heard
8 and this Court denied defendant's motion on November 13, 2024. Defendant is seeking to file a
9 motion for reconsideration of the denial.

10 d) Discovery in the form of a written report was provided to defense counsel of an
11 interview with the victim. Defense counsel has requested the recording of the interview
12 believing that the information is necessary for the motion to reconsider. The report and
13 recording was not provided initially in error. The government has had difficulty obtaining the
14 recording and has made a second request from the agency noting the investigator was out of the
15 office over the holidays.

16 5. Counsel for the government is scheduled to be out of state as a trial advocacy instructor
17 from February 1, 2026 through February 6, 2026 returning to the state on February 8, 2026.

18 6. The parties request the sentencing and motion to reconsider be continued to February 23,
19 2026 in order for defense counsel to complete the *Shahan* jury trial, the government to receive and
20 provide the recording to the defense, and both parties prepare any additional briefing.

21 7. Nothing in this stipulation and order shall preclude a finding that other provisions of the
22 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
23 must commence.

24 IT IS SO STIPULATED.

25 Dated: January 7, 2026

ERIC GRANT
United States Attorney

26
27 /s/ LAUREL J. MONTOYA
28 LAUREL J. MONTOYA
Assistant United States Attorney

1 Dated: January 7, 2026

/s/ ANTHONY P. CAPOZZI

2 ANTHONY P. CAPOZZI

3 Counsel for Defendant

4 STEFAN W. KIRKEBY

5 **FINDINGS AND ORDER**

6 IT IS SO FOUND that the ends of justice are served by requested continuance.

7 IT IS FURTHER FOUND that the ends of justice served by taking such action outweigh the best
8 interest of the public and the defendant.

9 IT IS ORDERED that the sentencing and motion hearing set for January 12, 2026 is continued to
10 February 23, 2026.

11 IT IS SO ORDERED.

12 Dated: January 7, 2026

13 
UNITED STATES DISTRICT JUDGE